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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,561	10/08/2001	Jari Satomaa	BER-025	6046

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EXAMINER

HENEGHAN, MATTHEW E

ART UNIT PAPER NUMBER

2134

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,561

Applicant(s)

SATOMAA ET AL

Examiner

Matthew Heneghan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 11 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/15/05.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. In response to the previous action, claim 11 has been added. Claims 1-11 have been examined.

Information Disclosure Statement

2. The following Information Disclosure Statement in the instant application has been fully considered, except as otherwise noted below:

IDS filed 15 June 2005.

3. The two Foreign Patent documents cited in the IDS filed 15 June 2005 have not been found in the file wrapper and have not been considered.

4. The second item on page 2 of the IDS filed 15 June 2005 is simply cited as "ROTH." It is being presumed that this refers to Roth, "Wireless Server Management," Windows 2000 Magazine, September 2001.

Drawings

5. The drawings were received on 11 July 2005. These drawings are acceptable.

Claim Objections

6. Claim 11 is objected to because of the following informalities: the last limitation recites a wireless communication device that is both comprised within the firewall device as well as connected to the firewall device. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1, 2, and 7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,453,353 to Win et al.

As per claims 1 and 10, Win discloses a management system that can be accessed via a wireless link (see column 26, lines 29-39), wherein different administrative roles may be configured having full or limited privileges, including full or limited administrative user interfaces (see column 16, lines 3-28 and Table 1, particularly the independently configurable first and third items in Table 1).

As per claims 2 and 9, a super-user role is used to populate and maintain the system (see column 17, lines 14-27), and the administrative roles may be created to update or modify network applications (Table 1).

As per claim 7, communications with the central servers use HTTP (see column 8, lines 1-22).

As per claim 8, any user interface may be used on any device interfacing with the system (including wireless devices); users who are logged in and assigned roles must be authenticated at login (see column 6, lines 40-54).

As per claim 11, Win's system includes one or more firewalls (see column 21, lines 50-58).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,453,353 to Win et al.

Win does not disclose which wireless protocols are to be used in communications.

Official notice is given that it is well-known in the art to use WAP and SMS protocols in wireless communications, as the use of industry-standard protocols allows for greater interoperability.

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to implement the invention of Win by using WAP and SMS for wireless communications, as the use of industry-standard protocols allows for greater interoperability.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,453,353 to Win et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,978,850 to Ramachandran et al.

Win discloses a feature for notifying any user (including those with limited management access) of attacks (see column 10, lines 1-13), but does not disclose a feature for acknowledging those notifications.

Ramachandran discloses a network wherein alarms must be retransmitted if no acknowledgement is received, ensuring that alert messages are not lost (see column 17, lines 26-39).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Win by sending acknowledgements to alarms, as disclosed by Ramachandran, to ensure that alert messages are not lost.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,453,353 to Win et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6,253,211 to Gillies et al.

Win discloses a feature the recording and viewing of log data by administrators and further notes that functionalities may be subject to user-configurable restrictions, but does not specifically disclose variable viewing access to log data:

Gillies disclosed a monitoring system wherein the monitoring function being used by the administrator may be configured to filter out selected items from the log file for viewing, and further suggests that this prevents trivial information from reaching the administration terminal (see column 7, lines 11-32).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Win by allowing for different views of the logs, as disclosed by Gillies, as this prevents trivial information from reaching the administration terminal.

11. Applicant's arguments filed 11 July 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that Win's disclosure does not address the problem solved by Applicant's invention, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

The independent claims are therefore anticipated, and all other claims are either anticipated or obvious, as described above.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-3800

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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August 31, 2005